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TALIAFERRO et al. v. EMERY.

March 13, 1919.

[98 S. E. 627.]

1. **Contracts (§ 99 (3)*)—Validity—Intoxication—Ratification When Sober.**—In an action for specific performance of a contract made, while defendant was intoxicated, evidence held insufficient to support the finding of the commissioner that the contract was agreed to or ratified by the defendant when sober.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 836.]

2. **Contracts (§ 92*)—Validity—Intoxication.**—Where plaintiff furnished whiskey to defendant, who was addicted to its use, and after he became drunk secured his signature to a contract more favorable to plaintiff than he had theretofore been able to secure, the contract was voidable, both at law and in equity.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 835.]

Appeal from Circuit Court, Prince William County.

Bill in equity by C. H. Emery against C. D. Taliaferro and another. From a decree for complainant, defendants appeal. Decree reversed, and bill dismissed.

F. W. Coleman, of Fredericksburg, *C. E. Nicol*, of Alexandria, and *A. T. Embrey*, of Fredericksburg, for appellants.

Thos. H. Lion and *H. Thornton Davies*, both of Manassas, and *Jno. S. Barbour*, of Fairfax, for appellee.

NEAL v. COMMONWEALTH.

March 13, 1919.

[98 S. E. 629.]

1. **Intoxicating Liquors (§ 224*)—Criminal Prosecution—Construction of Statute—Presumption.**—Prohibition Act, § 65, making evidence of possession of specified liquor in specified amount "prima facie evidence" of possession for the purpose of sale is simply a rule of evidence, and, like other presumptions, may be rebutted.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 548.]

2. **Intoxicating Liquors (§ 224*)—Criminal Prosecution—Evidence to Rebut Presumption.**—In prosecution for violating the Prohibition Act, defendant's evidence held to rebut presumption, under section 65, that the liquor found in his possession was for purpose of sale.

[Ed. Note.—For other cases, see 17 Va.-W. Va. Enc. Dig. 548.]

*For other cases see same topic and KEY-NUMBER in all Key Numbered Digests and Indexes.